

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 49

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte NORIO KANEMITSU

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Appeal No. 2000-1398  
Application No. 07/842,082

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ON BRIEF

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Before THOMAS, KRASS and JERRY SMITH, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 6-8 and 23. Claims 1-3, 11, 12, 21, 22 and 24 have been indicated by the examiner as being directed to allowable subject matter and claims 4, 5, 9, 10, 13-20 and 25-27 have been cancelled.

An oral hearing, scheduled for March 6, 2003, was waived.

The invention pertains to a facsimile apparatus. In particular, an examining unit determines the resolution of image data being received and forwards that information to a recording device determining unit which selects one of a plurality of data output ports connected to corresponding ones of a plurality of recording devices based on the resolution.

Representative independent claim 23 is reproduced as follows:

23. A method for operating facsimile equipment, comprising the steps of:

- a) receiving image data through a single line;
- b) determining a resolution of the image data by examining the image data;
- c) automatically selecting one of a plurality of different types of recording devices based on the determined resolution; and
- d) automatically providing the image data to the selected one of the recording devices.

The examiner relies on the following reference:

Kawamura et al. [Kawamura]      4,926,268      May 15, 1990

Claims 6-8 and 23 stand rejected under 35 U.S.C. § 103 as unpatentable over Kawamura.

Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

### OPINION

Based on the grouping of claims, at page 4 of the principal brief, all claims will stand or fall together.

The examiner takes the position that Kawamura teaches, in Figure 16, a receiving means 301 for receiving image data, discriminating a certain type of that data in discriminator 307, a selector for selecting between image processes and a recording means 309. With regard to the claimed plurality of ports, the examiner contends that it was well known that a port is an intermediate connection between the recorder and the means for supplying the image data so that the limitation is “inferred” in the reference. With regard to the plurality of printing means for accommodating images of various resolutions, the examiner contends that Kawamura teaches plural output devices 200 and 201 for printing images of different density values, i.e., image quality, referring to Figure 8 of the reference. The examiner further points out that Kawamura already provides a selector for selecting between circuits 302 and 303 so it would have been obvious to the artisan to modify the embodiment of Figure 8 by placing a selector between image data output device 100 and the image output devices 200, 201 for the purpose of selecting either one of the recording means 200, 201 shown in Figure 16.

The issue, as appellant views it, is whether Kawamura examines the resolution of an image which has been received. It is appellant’s view that Kawamura’s mention of “density” has been misinterpreted by the examiner as relating to resolution when, in

fact, the mention of “density” in the reference refers to a light reflection property of an area of a developed image. Thus, appellant’s position is that Kawamura does not disclose or suggest the claimed “determining a resolution of the image data by examining the image data.”

We agree with appellant.

While Kawamura does mention “density,” there is no indication that such density translates into a “resolution” of image data, as claimed. As shown in Figure 8 of the reference, image data is received through a single line from image data output device 100. Density converter 203 is used for “density-converting the multi-level density data 202a” [column 7, lines 55-56]. It is true that Kawamura provides image data to a selected one of a plurality of different types of recording devices [note column 7, lines 58-60, wherein the “image output devices 200 can be different output devices...”]. However, contrary to the examiner’s position, we find no suggestion of “determining a resolution of the image data by examining the image data” nor of “selecting one of a plurality of different types of recording devices based on the determined resolution.”

The digital image at 101 in Figure 8 of Kawamura is bi-level data which is then converted by multi-level converter 202 before being density converted by element 203. However, there is no indication anywhere in Kawamura that there is any kind of resolution determination regarding the image data appearing on line 101. Moreover, while Kawamura discloses a plurality of different types of recording devices to which

image data may be output, there is no indication that a choice of which output device to be employed is based, in any way, on resolution of the image data.

While Figure 11 of the reference is directed to a fourth embodiment, and Figure 8 is directed to a third embodiment, it is instructive to refer to the description of Figure 11, at column 10, line 61 through column 11, line 6, which describes a purpose of Kawamura's invention. That is, because a perceived problem is that different ones of a plurality of output recording devices output different images due to different output densities of the devices, Kawamura seeks to cause the plurality of output recording devices to output identical images by adjusting for the different densities. Thus, Kawamura is not determining a resolution of an image by examining image data and then selecting one of a plurality of recording devices based on that resolution determination. Rather, Kawamura density-converts the image data at each image output device in order to adjust the density of the output device so that each output device outputs an identical image.

While appellant and the examiner spend much of the briefs arguing as to the definition of "density" vs. "resolution," the examiner has failed to show, in our view, how Kawamura in any way suggests the determination of the resolution of the incoming image data and then, based on this resolution determination, selecting an appropriate recording device.

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Accordingly, we will not sustain the examiner's rejection of claims 6-8 and 23  
under 35 U.S.C. § 103 over Kawamura.

The examiner's decision is reversed.

REVERSED

JAMES D. THOMAS  
Administrative Patent Judge

ERROL A. KRASS  
Administrative Patent Judge

JERRY SMITH  
Administrative Patent Judge

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